

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAY LEE BARAO,¹

Case No. 2:22-cv-02119-APG-BNW

Plaintiff

ORDER

V.

STATE OF NEVADA PAROLE BOARD, et al.,

Defendants

On December 21, 2022, pro se plaintiff Randy Lee Barao, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1).

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.

¹ Based on the filing submitted to the Court, it appears that Plaintiff's name is "Randy Lee Barao," not "Ray Lee Barao." (ECF No. 1-1 at 1). Below, the Court directs the Clerk of the Court to correct the docket sheet to reflect that Plaintiff's name is Randy Lee Barao.

1 Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her
2 obligation to pay the filing fee; it just means that the inmate can pay the fee in installments.
3 See 28 U.S.C. § 1915(b).

4 As explained above, Plaintiff has neither paid the full filing fee nor applied to
5 proceed *in forma pauperis*. The Court gives Plaintiff **until February 27, 2023**, to either
6 pay the filing fee or submit an application to proceed *in forma pauperis*.

7 **II. CONCLUSION**

8 It is therefore ordered that Plaintiff has **until February 27, 2023**, to either pay the
9 full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
10 three required documents: (1) a completed application with the inmate's two signatures
11 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
12 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
13 previous six-month period.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
15 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
16 to refile the case with the Court, under a new case number, when Plaintiff can file a
17 complete application to proceed *in forma pauperis* or pay the required filing fee.

18 The Clerk of the Court is directed to send Plaintiff Randy Lee Barao the approved
19 form application to proceed *in forma pauperis* for an inmate and instructions for the same
20 and retain the complaint (ECF No. 1-1) but not file it at this time.

21 The Clerk of the Court is further directed to correct the docket sheet in this action
22 to reflect that Plaintiff's name is "Randy Lee Barao."

23
24 DATED: December 27, 2022.

25 
26 BRENDA WEKSLER
27 UNITED STATES MAGISTRATE JUDGE
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